



STATE OF TENNESSEE  
**DEPARTMENT OF EDUCATION**  
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COMMISSIONER

**MEMORANDUM**

**TO:** Directors of Schools, Directors of Special Education and System Testing Coordinators

**FROM:** Joseph Fisher, Assistant Commissioner  
Dr. Ben Brown, Executive Director, Evaluation and Assessment

**DATE:** January 2, 2004

**SUBJECT:** Final NCLB Assessment Regulations

On December 9, 2003, the Office of Elementary and Secondary Education of the U. S. Department of Education issued the final regulation for assessing students with disabilities under the No Child Left Behind Act (NCLB). The regulation provides guidance for the use of accommodations in the assessment of students with disabilities.

Page 68700 of Federal Register/Vol. 68, No. 236 states,

*"The Department expects most students with disabilities to participate in the regular statewide assessment either without accommodations or with appropriate accommodations that are consistent with the accommodations provided during regular instruction. Current §200.6 requires that the IEP team determine the accommodations necessary to measure the academic achievement of students with disabilities relative to the State's academic content and achievement standards for the grade in which the student is enrolled. Through the IEP process, parents should be informed of the potential consequences, if any, for their child if he or she participates in a regular assessment with particular accommodations..."*

In light of these recent regulations, the State Department of Education is extending the use of Special Accommodation C (Read Aloud/Sign Internal Test Instructions) and Special Accommodation D (Read Aloud/Sign Internal Test Items) to TCAP tests measuring achievement in the areas of reading and language arts for students with Individual Education Plans (IEPs) who appropriately and consistently use these accommodations during regular instruction, including reading and language arts. These assessments include the Reading/Language Arts portions of the Achievement Test, the Competency Language Arts Test, the Gateway Language Arts Test, and the End-of-Course English I Test. Note that the regulations do not extend use of these accommodations to reading/language arts tests for students with 504 Service Plans.

The Special Accommodations Addendum and Instructions are under revision at this time. The revised versions will be posted on the web as soon as possible at the following address:

<http://www.state.tn.us/education/speced/seassessment.htm>.